

FILED

JUL 31 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT J. ALEXANDER

Plaintiff,

vs.

STATE OF CALIFORNIA

et al.,
Defendant.

CASE NO. 08-2987 MMC

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I, Robert Alexander, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: N/A Net: N/A

Employer: N/A

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

New born Due 8-21-08

5. Do you own or are you buying a home? Yes ☐ No ☒

Estimated Market Value: \$ N/A Amount of Mortgage: \$ N/A

6. Do you own an automobile? Yes ☒ No ☐

Make Toyota Year 95 Model camry

Is it financed? Yes ☐ No ☒ If so, Total due: \$ N/A

Monthly Payment: \$ N/A

7. Do you have a bank account? Yes ☐ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: N/A

Present balance(s): \$ N/A

Do you own any cash? Yes ☐ No ☒ Amount: \$

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ☐ No ☒

8. What are your monthly expenses?

Rent: \$ \$1100.00 month Utilities: \$ 150.00.

Food: \$ \$200.00 Clothing: \$ 200.00

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>American Express</u>	\$ <u>60.00</u>	\$ <u>2200.</u>
<u>American Express</u>	\$ <u>50.00</u>	\$ <u>1500.</u>
	\$ <u></u>	\$ <u></u>

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)

3 valley care Hospital; Pleasanton, CA.

4 \$ 30,000. hand surgery emergency operation

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes X No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9 In RE ROBERT J. ALEXANDER, III NO. 08-2417 MMC (PR)
10 U.S. District Court Northern District of California.

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15

16 7/21/08

17 DATE

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[Signature]

SIGNATURE OF APPLICANT

Case Number: C08-2987 MMC

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Robert Alexander AYC-552 for the last six months
[prisoner name] AKA Samuel AYC-552
Santa Rita County Jail where (s)he is confined.
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ _____ and the average balance in the prisoner's account each month for the most recent 6-month period was \$ _____.

Dated: _____

[Authorized officer of the institution]

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 **INSTRUCTIONS FOR PRISONER'S**
4 **IN FORMA PAUPERIS APPLICATION**

5 You must submit to the court a completed Prisoner's In Forma Pauperis Application if
6 you are unable to pay the entire filing fee at the time you file your complaint or petition. Your
7 application must include copies of the prisoner trust account statement showing transactions
8 for the last six months and a certificate of funds in prisoner's account, signed by an authorized
9 officer of the institution.

10 **A. Non-habeas Civil Actions**

11 Effective April 9, 2006, the filing fee for any civil action other than a habeas is
12 \$350.00. Even if you are granted leave to proceed in forma pauperis, you must still pay the
13 full amount of the court's filing fee, but the fee will be paid in several installments. 28 U.S.C.
14 § 1915.

15 You must pay an initial partial filing fee of 20 percent of the greater of (a) the average
16 monthly deposits to your account for the 6-month period immediately before the complaint
17 was filed or (b) the average monthly balance in your account for the 6-month period
18 immediately before the complaint was filed. The court will use the information provided on
19 the certificate of funds and the trust account statement to determine the filing fee immediately
20 due and will send instructions to you and the prison trust account office for payment if in
21 forma pauperis status is granted.

22 After the initial partial filing fee is paid, your prison's trust account office will forward
23 to the court each month 20 percent of the most recent month's income to your prison trust
24 account, to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments
25 will be required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00)
26 in your account, you will not be required to pay part of the filing fee that month.

27 If your application to proceed in forma pauperis is granted, you will be liable for
28 the full \$350.00 filing fee even if your civil action is dismissed. That means the court will
continue to collect payments until the entire filing fee is paid. However, if you do not
submit this completed application the action will be dismissed without prejudice and the
filing fee will not be collected.

29 **B. Habeas Actions**

30 The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in
31 forma pauperis you will not be required to pay any portion of this fee. If you are not granted
32 leave to proceed in forma pauperis you must pay the fee in one payment and not in
33 installments. **If you use a habeas form to file a non-habeas civil action, you will be**
34 **required to pay the \$350.00 filing fee applicable to all non-habeas civil actions.**

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intiff to file a complaint in forma pauperis application or provide
art with sworn declaration as to why he is unable to do so.
July 21st I the plaintiff in this ~~No. 08-2987-MMC~~
~~No. 08-2987-MMC (PR)~~
vill action. Received the Service of Such Vial legal
ail. Upon the receiving of the order I immediately began
do as ordered by the court. The Regular assigned house
ntics have not been forthcoming in making this possible.

July 21st 2008 I asked Deputy T. Jenniahn #1975, to assist
e in this due to the fact that he was the very same
puty who confiscated my pens, and tampered my cell
ving no regard for my legal work. He was the Deputy
opened my legal mail on the 21st and kept the envelope.
t evening I ask Deputy Carrera to assist also showed
the court order. He disregarded my request to speak
the Sgt.

July 22nd I asked Deputy's T. Jenniahn and his new partner
ain. This time after his partner read the court order
ey insisted that their Superior's instructed them
t to sign anything. Also to tell me that whenever I go
Court in this matter it will automatically follow.
refer I will have to wait until the U.S. District Court
mons my person to court. That evening after shift
ange I asked Deputy Carrera again to assist me in
issue, only to be ignored as if I am not in his presence
down at time I asked him again. He ignored me again.

July 23rd 0400 hrs Deputy Carrera opened my cell door and
manded that I go to the multipurpose room and wait till
2000 hrs for Deputy Guffy to come on shift to ask him.
So stating I have court. I did not have court I
d him and insisted to see the Sgt. He threatened to
me back with 8-10 Deputies and use physical force
"show me who's in charge". I stayed in my cell Seated
on bed. He then showed me 11 and left.

released our room 101 morning near. I asked Deputy Guffy
 if a grievance and he refused to give me a grievance
 y neighboring cell inmate asked for a grievance form
 150. He to was denied. According to Deputy Guffy
 we do not have a right to a grievance form. And
 he does not have to give us one I tried again
 with a message request form. Deputy Guffy threw
 it away. I also tried giving grievances to Deputy
 Herrera. But he will not accept them. When I push the
 all inter com button the female Bldg #3 Housing
 Unit Technician will not answer. As long as Deputy
 Guffy works he will not let us out for pod rec
 me and will no longer make himself accessible
 receive any further request. When I ask to use
 a proper typewriter the refuse me access. Along
 with the pro-per phone, law library, legal materials, copies.
 According to these Deputy's, we as inmates do not
 do anything coming. I was unaware of any change
 the federal law governing legal pursuit. At this time
 am forced to use pencil and drawing tablet paper
 my legal work. They have taken my visiting away,
 recreation away, pod time recreation, pens legal references,
 They turned up the cold air and left me with
 thin blanket. Now I am going to pursue further
 action. This is to be considered retaliatory measures
 in the Alameda County Sheriffs Office Detentions &
 Corrections Division, obstructing Justice.
 I, S. J. S. my Declaration, Sworn, I hereby swear under penalty of
 perjury that the foregoing is true and correct, to the best
 of my knowledge of the facts governing this action, on this day
 24th of the year 2008. At Dublin, CA. 94568 Robert J. Alexander